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NOTICE OF ALLOWANCE AND FEE(S) DUE

75948 7590 12/29/2009

DAVIDSON BERQUIST JACKSON & GOWDEY, LLP
ATTN: BRIAN SIRITZKY, Ph.D.
4300 WILSON BLVD., 7TH FLOOR
ARLINGTON, VA 22203

EXAMINER

OBEID, MAMON A

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 12/29/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,835

11/24/2003

Anthony Rose

2618-0502

3612

TITLE OF INVENTION: MONITORING OF COMPUTER-RELATED RESOURCES AND ASSOCIATED METHODS AND SYSTEMS FOR DISBURSING COMPENSATION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/29/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

75948 7590 12/29/2009

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ARLINGTON, VA 22203

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,835 11/24/2003 Anthony Rose 2618-0502 3612

TITLE OF INVENTION: MONITORING OF COMPUTER-RELATED RESOURCES AND ASSOCIATED METHODS AND SYSTEMS FOR DISBURSING COMPENSATION

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nonprovisional YES \$755 \$300 \$0 \$1055 03/29/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
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OBEID, MAMON A 3621 705-051000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.**

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Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 705 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 705 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/720,835

Examiner

MAMON OBEID

Applicant(s)

ROSE, ANTHONY

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/17/2009.
2. ☒ The allowed claim(s) is/are 1-9,12-16,38-41,43,44,48-50 and 52-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Acknowledgements

1. This communication is in response to the supplemental claims amendment filed December 17, 2009 and further in response to the telephone and e-mail communications with Applicants representative Brian Siritzky on December 15, 16, 17 and 18, 2009 ("December Communication").
2. Claims 10-11, 17-37, 42, 45-47 and 51 have been canceled.
3. Therefore, claims 1-9, 12-16, 38-41, 43-44, 48-50 and 52-58 are pending.

Examiner's Amendment

4. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such amendment, it must be submitted no later than the payment of the issue fee.
5. Authorization for this Examiner's amendment was given in the December Communication.
6. The application has been amended as follows:
 - a. Cancel claim 47.
 - b. In claim 44, replace "10" with "1".

Allowable Subject Matter

7. Claims 1-9, 12-16, 38-41, 43-44, 48-50 and 52-58 are allowed.
8. The following is a statement of reasons for the indication of allowable subject matter.
9. The prior art of record:
 - c. Curie et al, U.S. patent No. 6,871,232 B2 ("Curie ").
 - d. Shuster (U.S. patent Publication No. 2006/0015366 ("Shuster").
 - e. Dutta U.S. patent Publication No. 2003/0093695 ("Dutta").
 - f. Terretta (U.S. patent publication No. 2001/0047275 A1) ("Terretta").
12. Curie generally discloses a method may comprise the steps of establishing a set of attributes, organizational information, and user roles for each organization; defining a plurality of resource provisioning policies for each organization based on selected attributes, organizational information, and user roles; receiving attribute information, organizational information, and user role information from each organization for a particular user, resource, or database; determining which resource provisioning policies are applicable to the user based on the received user role information, organizational information, and attribute information; and provisioning the user from a remote, centralized location with resources based on the applicable resource provisioning policies.
10. Shuster generally discloses a method for transacting over a wide area network, comprising the steps of: receiving use information about use of a computer resource by

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users, the resource selected from computer hardware or software; debiting an account a debit amount determined from the use information; receiving traffic over a wide area network, wherein the traffic comprises requests originating from the resource in response to use of the resource by users, the requests associated with information designating the account; determining a credit amount based on a measure of the traffic received in the receiving step designating the account; and crediting the credit amount to the account to facilitate a barter transaction in which at least access rights to the resource are exchanged for at least a portion of the traffic.

11. Dutta generally discloses an approach for managing stored-value data objects, such as electronic tickets, comprises secure systems and procedures for ticket issuing, storage, and redemption. With these systems and procedures in place, stored-value data objects may be securely transferred to remote systems, such as a user's personal electronic device, for subsequent secure redemption, thus allowing the user to gain access to the desired goods or service upon redeeming the data object.

12. Terretta generally discloses determining whether a content a file has been previously downloaded or viewed by a user (e.g. redundancy check), wherein when its determined that the content filed has been previously downloaded or viewed, the user is prevented from downloading or viewing the content again (e.g. preventing redundant transactions).

13. If the user is already receiving/viewing content from RAMS, the user is denied access to the newly requested content.

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14. Regarding the claimed terms, the Examiner notes that a “general term must be understood in the context in which the inventor presents it.” *In re Glaug*, 283 F.3d 1335, 1340, 62 USPQ2d 1151, 1154 (Fed. Cir. 2002). Therefore the Examiner must interpret the claimed terms as found on pages 1-45 of the specification. Clearly almost all the general terms in the claims may have multiple meanings. So where a claim term “is susceptible to various meanings, the inventor’s lexicography must prevail” *Id.* Using these definitions for the claims, the claimed invention was not reasonably found in the prior art.

15. The references Curie, Shuster, Dutta, and Terretta disclose as previously discussed. The references however do not teach at least: responsive to receiving said information at said RUVA server, the RUVA server conducting a redundancy check for said transaction and determining whether (a) said file has already been downloaded, in whole or in part, to said first computing device, or (b) said file has been previously requested by said first computing device, or (c) a resource usage ticket has already been issued for downloading the same file to the first computing device; and; based at least in part on said redundancy check, said RUVA server setting a weighting factor for said transaction, said weighting factor indicating to what extent value should be awarded for the transaction, and wherein, when said transaction is determined by said redundancy check to be redundant, the weighting; allocating compensation or rewards related to the transaction to said second user based at least in part on (a) said indication of said weighting factor for the transaction, and (b) the determined extent of resources provided by the second computing device related to said transaction.

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16. Therefore, the claims of the instant application are not obvious over Curie, Shuster, Dutta, and Terretta for the reasons given above. Yet even if the missing claimed elements were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include these elements in Curie, Shuster, Dutta, and Terretta because: Curie is not concerned in monitoring and reporting the actual resource usage and rewarding or compensating a user based on a determined actual resource usage. Curie is concerned in provisioning a resource based on predetermined provisioning policies.

17. Additionally, the combination Curie, Shuster and Dutta, clearly destroys the intent and purpose of Terretta taken alone and/or in view of Curie, Shuster, Dutta, and Terretta use of, for example, a redundancy check to only prevent simultaneous downloading or viewing of files.

18. Accordingly, the present invention is also distinguishable over Curie taken alone and/or in view of Shuster, Dutta, and Terretta.

19. Therefore, the limitations lacking in the prior art, in combination with the other limitations clearly claimed for patent, are novel and unobvious.

18. Foreign prior art and NPL search was conducted however no relevant prior art was found.

19. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "comments on statement of reasons for allowance".

Conclusion

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mamon Obeid whose telephone number is (571) 270-1813. The Examiner can normally be reached on Mon-Fri 9:30 AM- 6:00 PM.

21. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew J. Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mamon Obeid
Examiner
Art Unit: 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621